

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	NO. 2:19-MJ-75-JTR-1
	)	
-vs-	)	
	)	
JAYDIN LEDFORD,	)	
	)	
Defendant.	)	February 26, 2019
	)	Spokane, Washington

VERBATIM REPORT OF PROCEEDINGS  
PRELIMINARY HEARING AND DETENTION HEARING

BEFORE THE HONORABLE JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE

## APPEARANCES:

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PRELIMINARY HEARING

3

1 (FEBRUARY 26, 2019, 2:07 P.M.)

2 THE CLERK: The matter now before the court is  
3 United States versus Jaydin Ledford, Case No. 2:19-MJ-75-JTR-1.  
4 Time set for preliminary and detention hearing.

5 Counsel, please state your name for the court and  
6 record.

7 MR. CASHMAN: Good afternoon, Your Honor. Patrick  
8 Cashman on behalf of the United States.

9 THE COURT: Good afternoon.

10 MS. YOUNGCOURT: Lorinda Youngcourt on behalf of  
11 Jaydin Ledford.

12 THE COURT: Good afternoon.

13 MR. CASHMAN: Thank you, Your Honor.

14 Your Honor, we're here before the court pursuant to  
15 the court's order to hold a preliminary hearing, as well as a  
16 detention hearing. At this point in time, the government is  
17 ready to proceed with the preliminary hearing, and we would like  
18 to call a witness.

19 THE COURT: Ms. Youngcourt, do you have any other  
20 evidence that you're going to offer, just to give me the big  
21 picture here?

22 MS. YOUNGBLOOD: No, Your Honor. I anticipate  
23 cross-examining this witness.

THE COURT: All right. Of course.

25 Go ahead, Mr. Cashman.

PRELIMINARY HEARING  
ZAHACZEWSKY - Direct

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1                   MR. CASHMAN: Thank you, Your Honor. The government  
2 would call Special Agent Zahaczewsky. Hopefully, I pronounced  
3 that correctly.

4                   THE COURT: Please face the clerk and raise your right  
5 hand.

6                   (MARK ZAHACZEWSKY, appearing as a witness for the  
7 government, being duly sworn, testified as follows:)

8                   THE CLERK: Okay. Please have a seat, and spell your  
9 first and last name for the court and record.

10                  THE WITNESS: My name is Mark, M A R K, Zahaczewsky,  
11 Z A H A C Z E W S K Y.

12                  THE COURT: Agent Zahaczewsky, would you kindly face  
13 Mr. Cashman, and stay near the microphone so we can hear you,  
14 and address yourself to his questions.

15                  THE WITNESS: Yes, Your Honor.

16                  MR. CASHMAN: Thank you, Your Honor.

17                   DIRECT EXAMINATION

18                  BY MR. CASHMAN:

19                  Q      Special Agent, how are you employed?

20                  A      I'm a special agent with the FBI.

21                  Q      And how long have you been employed with the FBI?

22                  A      I have been so for almost seven years.

23                  Q      Any law enforcement experience prior to that?

24                  A      No.

25                  Q      Can you describe some of your duties as a special agent?

PRELIMINARY HEARING  
ZAHACZEWSKY - Direct

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1 A Prior to my time in Couer d'Alene, I was an Indian Country  
2 agent working various criminal violations on the Blackfeet  
3 Indian Reservation in Northern Montana. I've been here in  
4 Couer d'Alene for approximately a year and a half, and I've had  
5 various criminal violations to investigate here.

6 Q Okay. Now, you're not the primary agent on this case; is  
7 that correct?

8 A I am not.

9 Q Have you had an opportunity to become familiar with this  
10 case?

11 A I have seen several documents pertaining to this case.

12 Q And those documents include a search warrant affidavit?

13 A Correct.

14 Q As well as a criminal complaint affidavit?

15 A That is correct.

16 Q Okay. And was that the extent of your involvement in this  
17 case?

18 A That is the extent of my involvement.

19 Q Now, are you familiar with an individual named Jaydin  
20 Ledford?

21 A I am.

22 Q Okay. And prior to today's hearing, did you have an  
23 opportunity to observe a photograph of Mr. Ledford?

24 A Yes.

25 Q And do you see the defendant, Mr. Ledford, in the courtroom

PRELIMINARY HEARING  
ZAHACZEWSKY - Direct

6

1 today?

2 A I do.

3 Q And could you identify where that individual is seated, and  
4 what they're wearing?

5 A He's sitting at the defense counsel table, wearing a yellow  
6 jumpsuit.

7 Q Thank you.

8 MR. CASHMAN: Your Honor, may the record reflect that  
9 the witness has identified the defendant.

10 THE COURT: So the record will reflect that he has  
11 identified the person sitting next to counsel as the defendant.

12 MR. CASHMAN: As the defendant. Thank you, Your  
13 Honor.

14 Q (By Mr. Cashman) Now, you did not prepare an affidavit in  
15 this case; is that correct?

16 A I did not.

17 Q Have you had an opportunity to review an affidavit in  
18 support of a criminal complaint in this case?

19 A Yes, I have.

20 MR. CASHMAN: If may approach, Your Honor.

21 THE COURT: Yes.

22 Q (By Mr. Cashman) Now, I've handed you what's been  
23 previously marked as Government's Exhibit 1, which I also showed  
24 to defense counsel. Do you recognize this exhibit?

25 A Yes, sir, I do.

PRELIMINARY HEARING  
ZAHACZEWSKY - Direct

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1 Q And could you tell us what it is?

2 A It's a criminal complaint for Jaydin Ledford.

3 Q And what does it contain?

4 A Information pertaining to a violation of a criminal code.

5 Q And is that code 18 U.S.C. § 875(c)?

6 A That is correct.

7 Q And does the affidavit also list in there how one may  
8 violate 18 U.S.C. § 875(c), specifically at Paragraph 4?

9 A Yes, it does.

10 Q Now, your signature is not on this affidavit, but whose  
11 signatures are on this affidavit?

12 A Special Agent Marjoe Jennings.

13 Q Okay. And is Special Agent Marjoe Jennings an FBI special  
14 agent?

15 A Yes, she is.

16 Q And is the document also signed by a magistrate judge?

17 A Yes, it is.

18 Q Now, is the information in Government Exhibit 1 a true and  
19 accurate reflection of the facts as known to you at the time the  
20 affidavit was executed?

21 A To the best of my knowledge, yes.

22 Q Okay. And do you have any corrections or additions you'd  
23 like to make?

24 A I do not.

25 Q For purposes of today's hearing, do you incorporate and

PRELIMINARY HEARING  
ZAHACZEWSKY - Cross

8

1 adopt the facts as set forth in the affidavit as part of your  
2 testimony?

3 A Yes, I do.

4 MR. CASHMAN: At this point in time, the government  
5 would request that the affidavit be moved into evidence, Your  
6 Honor.

7 THE COURT: Ms. Youngcourt?

8 MS. YOUNGCOURT: No objection.

9 THE COURT: Admitted.

10 MR. CASHMAN: Thank you, Your Honor. That concludes  
11 the government's evidence.

12 THE COURT: Okay. Agent Zahaczewsky --

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: -- the defense may have some questions.

15 THE WITNESS: Yes, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. YOUNGCOURT:

18 Q Officer, I want to -- agent. I'm sorry. Special agent. I  
19 want to clarify. So that means you were not present during the  
20 search of Mr. Ledford's home?

21 A I was not.

22 Q Are you -- in addition to the documents you've read, did  
23 you read any of the reports generated by the other officers?

24 A I have not.

25 Q Or agents. Okay. So that means you're not aware that

PRELIMINARY HEARING  
ZAHACZEWSKY - Cross

9

1 there were no weapons found in the home?

2 A I'm not aware of that.

3 Q There was no means -- there was nothing in the home that  
4 indicated a means of him to carry out any of the threats on  
5 Facebook?

6 A I'm not aware.

7 Q Are you aware that that was an open Facebook page?

8 A I am aware of that fact.

9 Q So that was not -- no one was trying to hide it?

10 A Correct.

11 Q Anybody could search his name?

12 A That is correct.

13 Q They could probably also search the name of Mark Janus? Do  
14 you know who Mark Janus is?

15 A I saw his name in the affidavit, correct.

16 Q Do you know any significance about him?

17 A Very briefly.

18 Q Mark Janus is the named, I can't remember, is it plaintiff  
19 or defendant --

20 A Plaintiff.

21 Q -- in the U.S. Supreme Court case concerning unions and  
22 union activity; is that correct?

23 A Yes, ma'am, to the best of my knowledge.

24 Q And were you familiar with Sheriff Knezovich and his latest  
25 statements that he was not going to enforce Washington law?

PRELIMINARY HEARING  
ZAHACZEWSKY - Cross

10

1 A I'm not aware of statements that he made.

2 Q And you're not -- you've not listened to the audio -- or, I  
3 don't know if it was videotaped or not, but the audio or  
4 videotape interview with special agents and Mr. Ledford?

5 A I have not.

6 Q So -- and in this affidavit -- so, essentially, you've come  
7 to court to say I read this?

8 A That is correct.

9 Q Okay. And, so, it's hearsay to you?

10 A That is correct.

11 Q And, in fact, some of it is hearsay to the person who wrote  
12 it?

13 A That may be correct.

14 Q Officer, how many other times have you been called on to  
15 investigate threats like this?

16 A This specific violation, I have not.

17 Q You've never done any of the threats with high school  
18 students?

19 A Not that got to this point, no.

20 Q Middle school students?

21 A Not that got to this point, no.

22 Q And is the current policy zero tolerance.

23 A I'm unaware of this specific policy.

24 Q And are you -- do you have any knowledge whatsoever of  
25 Mr. Ledford's mental health status?

## PRELIMINARY HEARING

11

1 A I have no knowledge.

2 MS. YOUNGCOURT: Thank you.

3 THE COURT: Anything further, Mr. Cashman?

4 MR. CASHMAN: No, Your Honor. Thank you.

5 THE COURT: Thank you very much, Agent. You may step  
6 down.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: Mr. Cashman, do you have any additional  
9 evidence?

10 MR. CASHMAN: We do not. And I'm going to retrieve  
11 Government's Exhibit 1 from the witness.

12 THE COURT: The record will so reflect.

13 MR. CASHMAN: Thank you.

14 THE COURT: Ms. Youngcourt, did you wish to make any  
15 proffer, testimony or otherwise?

16 MS. YOUNGCOURT: No, sir.

17 THE COURT: All right. Argument from the government.

18 MR. CASHMAN: Thank you, Your Honor.

19 Your Honor, the government submits that probable  
20 cause has been established via Government Exhibit 1, which is  
21 the affidavit that alleges that Mr. Ledford violated  
22 18 U.S.C. § 875.

23 I would note that the threats that were made that  
24 constituted the violation are noted on Page 3 of the affidavit,  
25 near the top. One of those happened on February 1st, 2019, in

## PRELIMINARY HEARING

12

1 which Mr. Ledford, using his Facebook account, Embrace Death --  
2 well, actually, I believe it's indicated as Jaydin Ledford  
3 (Embrace Death) stated that: Ozzie Knezovich is gonna get a  
4 bullet in his skull.

5 That was subsequently followed that same evening by a  
6 comment by him that, I'm ready to die.

7 The next day he goes online, and he states: I1639 is  
8 law, sheriffs that are noncompliant will be shot by me,  
9 indicating multiple potential individuals that could be  
10 victimized.

11 February 3rd: How is Mark Janus alive? He still  
12 lives in Illinois. Execute him.

13 Then in the comments to that posting, Mr. Ledford  
14 writes an expletive, all, I'll do it myself. I bet his brains  
15 taste delicious, and low fat, too lean, scab brains, mmmmmm.

16 And on February 4th, he goes on to indicate a comment  
17 to an article regarding President Trump, and indicated that he's  
18 going to shoot this person in the head.

19 Now, the government submits those statements, in an of  
20 themselves, constitute a violation of 18 U.S.C. § 875. And on  
21 cross-examination, I would note that Ms. Youngcourt indicated  
22 that there were no firearms located in the apartment. And that  
23 is accurate. But the point being is the law does not require  
24 that the individual actually have the means to carry out the  
25 threat. It's the simple violation of making the threat in and

## PRELIMINARY HEARING

13

1 of itself that is a violation of the law.

2 And I would submit to you that this affidavit  
3 significantly covers the essential elements of violations of  
4 18 U.S.C. § 875. Furthermore, I would highlight that on  
5 February 20th, 2019, at the time that he was taken into custody,  
6 Mr. Ledford elaborated in his interview with Special Agent  
7 Marjoe Jennings and TFO Shane McClary, and he had indicated that  
8 he did, in fact, intend to kill Mr. -- or Sheriff Knezovich, or  
9 words to that effect, that Mr. -- or Sheriff Knezovich should be  
10 in fear of the threats made by him, or words to that effect,  
11 and, further, that he wanted to, potentially, hurt cops.

12 The government submits that, given his statement to  
13 law enforcement, is further corroboration of his statements made  
14 on Facebook, using his Facebook account, that resolve to an IP  
15 address that is his address, that he has -- that probable cause  
16 has been established that he's violated 18 U.S.C. § 875.

17 Thank you.

18 THE COURT: Thank you, Mr. Cashman.

19 Ms. Youngcourt.

20 MS. YOUNGCOURT: Your Honor, it's my understanding  
21 from the brief research I've been able to do since being  
22 assigned this case that this is a specific intent crime. And I  
23 would suggest that, while the initial facts that were laid out  
24 in the affidavit for this court to review to grant the search  
25 warrant were valid for that search warrant, given all the

## PRELIMINARY HEARING

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1       circumstances put together, that this should not prevail past  
2 probable cause.

3              First off, what the court -- I proffer to the court  
4 that Mr. Ledford is disabled, mentally disabled. He's on the  
5 autism spectrum disorder. He also suffers from scoliosis of the  
6 spine. He lives -- was just recently able to move out and live  
7 on his own in an apartment that his mother, who is a professor  
8 at Wenatchee Valley College, teaches human development, was able  
9 to arrange for him with various types of government assistance.

10          The specific symptoms of autism that affect  
11 Mr. Ledford are somewhat of an inability to control, I want to  
12 say, overreaction, if that makes sense. It's very, very clear  
13 that Mr. Ledford is extremely politically active. He sees  
14 himself as a social justice warrior. And I pose, in his mind,  
15 these were simply comments on the current state of the politics  
16 in the world that he lives in and that he's aware of,  
17 understanding that you and I interpret that completely  
18 differently.

19              However, there were no guns. He doesn't drive,  
20 doesn't have a car. He rarely, rarely leaves his home. And  
21 that's only in the accompaniment of his mother.

22          So I would ask the court to consider the totality of  
23 the circumstances, given that this is a specific intent crime,  
24 and that Mr. Ledford had no means to commit the crimes that he  
25 discussed, or the actions that he stated to reflect his disgust

## PRELIMINARY HEARING

15

1 with the current state of the political realm that he's in.

2 And while Mr. Ledford is autistic, as the court well  
3 knows, many, many, many people that are autistic are above  
4 average in intelligence. Mr. Ledford is that way, and sometimes  
5 his vocabulary gets ahead of his true meaning and intent. So we  
6 would ask the court to not find probable cause.

7 THE COURT: Thank you, Ms. Youngcourt.

8 Mr. Cashman, do you want to respond?

9 MR. CASHMAN: Your Honor, I'm going to quote from  
10 18 U.S.C. § 875, subparagraph (c). Whoever transmits in  
11 interstate or foreign commerce any communication containing any  
12 threat to kidnap any person or any threat to injure the person  
13 of another shall be fined under this title or imprisoned not  
14 more than five years, or both.

15 I go back to the PC affidavit that supported the  
16 criminal complaint in this case that outlined numerous  
17 statements on behalf of Mr. Ledford indicating his specific  
18 intent that these were to be threats. And further corroborative  
19 of this is that his statements to law enforcement after the fact  
20 is that these statements were specifically made to put people in  
21 fear. That is a true threat.

22 The elements that are required is that a threat be  
23 made, that it was a true threat, and that the individual  
24 intended for it to be a threat, and that the threats were made  
25 in interstate and foreign commerce. Those are the elements to

PRELIMINARY HEARING  
COURT'S RULING

16

1 meet the very low threshold of probable cause in this case. And  
2 I submit to you that the facts contained in the affidavit meet  
3 those essential elements as to 18 U.S.C. § 875.

4 Thank you, Your Honor.

5 THE COURT: Well, I'm never sure that the party who  
6 wants to attack probable cause raises the issue with the same  
7 magistrate who signed the probable cause complaint, but I  
8 understand that we're a little short of magistrates in this  
9 district. But if there's any time when you've got some other  
10 magistrate here, I hope that you feel free to make those  
11 arrangements without needing to check with our chambers.

12 I also confess that I had some reservations before I  
13 signed this. It is a very general statement. Does a threat  
14 have to be communicated to the object of the threat? Does it  
15 have to be specific intent? I think there's enough here to  
16 answer that that there's probable cause for that, but I don't  
17 know how much further it would go. And I'm certainly not saying  
18 how I would rule on something. But I think the defense raising  
19 the issue is understandable.

20 But given the statements about specific individuals,  
21 execute him, I'm going to shoot this blank in the head, so on,  
22 Ozzie Knezovich is going to get a bullet in the skull,  
23 statements like that are specific. They're certainly consistent  
24 with specific intent, if they aren't originating in specific.  
25 And on a public website, they could conceivably be communicated

## DETENTION HEARING

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1 to the object of the threat. That's why I found probable cause.

2 Again, how much farther it goes, I don't know, but I'm  
3 denying the motion to dismiss for lack of probable cause for  
4 those reasons.

5 MR. CASHMAN: Does the court want to proceed with the  
6 detention hearing?

7 THE COURT: I'm ready if the parties are. Sure.

8 MR. CASHMAN: Thank you, Your Honor.

9 Your Honor, the government notes that the government's  
10 motion for detention is at ECF No. 4. The Government is also in  
11 receipt of ECF No. 5, and the government has had an opportunity  
12 to review that.

13 Furthermore, the government agrees with the  
14 United States Probation Office's recommendation that it appears  
15 that no condition or combination of conditions can be imposed by  
16 the court to reasonably assure the defendant's appearance in  
17 court or the safety of the community.

18 I want to highlight a few things as we proceed through  
19 here. The government believes the defendant is a risk to the  
20 community, and, furthermore, that the defendant presents a risk  
21 of flight.

22 Now, with regard to the risk to the community, the  
23 defendant's actions in this case are indicative of his risk.  
24 He's made numerous threats to sheriffs in the community for  
25 their position on I1639, which is a Washington State law.

## DETENTION HEARING

18

1 That -- one specific sheriff is our Spokane County Sheriff,  
2 where he elaborated that he wanted to shoot this individual in  
3 the head, or put a bullet in their skull, and further indicated  
4 that his was his intent that that person be placed in fear.

5 Additionally, the government believes he's a risk to  
6 the community because he's manifested an intent to hurt police  
7 officers. If released, and presuming that there potentially  
8 could be violations of conditions of pretrial release, that's  
9 going to require, potentially, law enforcement officers to go  
10 back out and recontact Mr. Ledford again in the future. His  
11 manifestation of his desire to hurt a police officer or to hurt  
12 cops is going to place those individuals at risk. And those  
13 individuals are part of the community, and those individuals  
14 deserve protection.

15 So when determining whether, under 3142, this  
16 individual wants release, I would harken back to the fact that  
17 if he were released, there are going conditions placed upon him,  
18 and those conditions by this court could potentially be  
19 violated, and it is going to put people at risk.

20 I would further note that, in ECF 5, it indicates what  
21 appears to be untreated mental health issues. And I think that  
22 is -- while this court has experience seeing individuals come  
23 before this court with mental health issues, I think, in this  
24 particular case, they are of a very significant nature in terms  
25 of determining whether this person is a risk to the community.

## DETENTION HEARING

19

1           And I don't say this lightly, because mental health is  
2 an important thing. But it's mental health issues that are  
3 untreated. And I would note in ECF No. 5 that the mother of  
4 Mr. Ledford indicated that she had been trying to get the  
5 defendant to engage in services for many years, but he refused  
6 to do that. And she stated the defendant is currently  
7 unmedicated and not receiving any sort of treatment, to her  
8 knowledge.

9           Now presumably the court, if the court were to release  
10 the defendant, would set conditions that the defendant attend  
11 treatment. But that doesn't necessarily mean that he will  
12 attend treatment, and it doesn't necessarily mean that he will  
13 follow the requirements of treatment, whether it be counseling,  
14 or medication, or what it might be. So what we'll have,  
15 potentially, is an individual in the community who has mental  
16 health issues that are untreated, again, continuing to put the  
17 community at risk.

18           Now, in addition to him being a risk to the community,  
19 from the government's standpoint, given the circumstances in  
20 this case, the specific nature of the threats made, and how the  
21 threats were made, for lack of a better term, the government  
22 thinks there is a risk of release in terms of his ability to  
23 appear for future court hearings.

24           Contained within ECF No. 5 were multiple statements  
25 of -- or indications that the defendant had significant problems

## DETENTION HEARING

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1       in school related to mental health and behavioral issues, that  
2       he had problems at employment for inappropriate behavior, and he  
3       struggled with interactions with other individuals, and they  
4       appeared to be related to his, his mental health issues.

5                  The government has significant concerns that if the  
6       defendant is placed on supervised release, his ability to  
7       actually even follow through with the court's orders, that he  
8       would be able to appear on time for court, as the court  
9       requires, that he would be able to follow whatever conditions  
10      the court imposes on him, because it is indicative from  
11      ECF No. 5 that he has a difficult time following those  
12      directions.

13                 And, so, what that potentially is going to result in  
14      is future violations in the defendant appearing before this  
15      court, again, requiring law enforcement to go out and make  
16      contact with someone who's already manifested a desire to hurt  
17      law enforcement.

18                 So the government submits that its burden of  
19      preponderance of evidence that the defendant is a flight risk  
20      has been met, and, furthermore, that the government has proven  
21      by clear and convincing evidence that he is a risk to the  
22      community, and I submit to you that the court should follow the  
23      United State Probation Office's recommendation that he remain.

24                 THE COURT: Thank you, Mr. Cashman.

25                 MS. YOUNGCOURT: Your Honor, I hear the government's

## DETENTION HEARING

21

1 concern, and I don't doubt it. However, I'm significantly  
2 troubled by the idea that somebody with a mental illness whose  
3 symptoms are recorded in a pretrial services report, and are as  
4 minor as not did well in school are now being used as reasons  
5 that he should be incarcerated.

6 There's a great deal of guessing on the government's  
7 part as to what might happen. And I'm confident that the law is  
8 clear that the court is not supposed to try and guess what the  
9 risk could be.

10 You know, the picture that I believe the government  
11 has painted is either we allow Mr. Ledford to go out and seek  
12 treatment, or we keep him in, and we send him to Eastern State.  
13 I think what I've heard is an acknowledgement that there is a  
14 mental health concern here.

15 Mr. Ledford is 23 years old. We never heard of him  
16 before. Never heard of him before. Never been in trouble  
17 before. Never has done anything violent before. No driving  
18 tickets because he doesn't drive. No driver's license. He  
19 stays at home.

20 And I understand, and I believe everybody else in the  
21 courtroom, except for, perhaps, Mr. Ledford, understands the  
22 difference between a threat of I'm going to take your money  
23 away, State of California, because I don't like what you're  
24 doing, and I'm going to put a bullet in your head. That's our  
25 threats. I understand that. I'm not sure that he does.

## DETENTION HEARING

22

1           I ask the court, implore the court to release him.  
2 And if the court is concerned, I will -- we can have another  
3 hearing, and his mother can come here, and you can release him  
4 to his mother's care and custody. Her life partner,  
5 Rob Stafford, is a residential counselor at Okanogan Mental  
6 Health.

7           As a parent trying to support your child in living an  
8 independent life, there's a fine balance between do I force you  
9 to get mental health care, are you truly a risk to yourself or  
10 somebody else, which is what it would take for civil commitment  
11 if his mother was going to force him to take medication, and a  
12 situation like Mr. Ledford is in today, which is this court is  
13 going to order him to do that. And very quickly, if he doesn't  
14 do that, he can be arrested and brought back.

15          There is no indication in any of the reports that  
16 Mr. Ledford was the least bit violent, obstreperous, obnoxious,  
17 or anything when the police came to his door. It's guessing  
18 when we're saying that he could be violent to police officers.

19          I don't see him as a risk of flight. He doesn't  
20 drive. He doesn't leave his home. And there's absolutely no  
21 history to rely upon to say that he's a risk to the community,  
22 other than these statements that were made, which I assert to  
23 the court were not made with the same knowledge or intent that  
24 you or I might make.

25          Thank you.

DETENTION HEARING  
COURT'S RULING

23

1 THE COURT: Thank you.

2 Anything further, Mr. Cashman?

3 MR. CASHMAN: No, Your Honor. I would just, again,  
4 submit to the court that, under the totality of the  
5 circumstances, when considering all the factors in this case,  
6 the defendant does present a risk of flight, and he does present  
7 a risk to the community. And, again, I would reiterate to the  
8 court that detention is appropriate and necessary, particularly  
9 when considering the 3142 factors.

10 THE COURT: Ms. Youngcourt decries the fact that we're  
11 guessing. That's really what it is. However many college  
12 degrees are among us, and however carefully crafted the  
13 guidelines handed down by the elders of the culture, and the  
14 legislatures, it's really just a guess.

15 And it's overlaid in this case by the fact that we  
16 basically can't think of anything else to do with Mr. Ledford,  
17 so we're going to stick him in jail. I don't -- jail isn't a  
18 mental health facility. Getting medicines to Mr. Ledford in  
19 jail is a Byzantine process.

20 I think of all these things, and I still grant the  
21 government's motion. But Mr. Ledford has an untreated illness  
22 which, in this case, has manifested itself as a significant  
23 danger. And for those reasons, I must grant the motion.

24 But I hope that it doesn't stop here. My only  
25 alternative now is to release him. And the general,

DETENTION HEARING  
COURT'S RULING

24

1 well-intended and sincere statement I have to show that is we'll  
2 take care of him. I need something more than that. I need a  
3 program, I need a diagnosis, I need a responsible person. I  
4 need something that I can hang some conditions on, because jail  
5 is no place for a mentally-ill individual, and I don't want him  
6 staying there any longer. But given what I've seen this  
7 afternoon, I don't have enough to fashion conditions which will  
8 reasonably assure safety or return.

9 (ADJOURNMENT AT 2:38 P.M.)

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C E R T I F I C A T E

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5 I, Lynette Walters, Official Court Reporter in and for  
6 the Eastern District of Washington, hereby certify that the  
7 foregoing transcript contained in pages 1 through 24 is a true  
8 and correct transcript of the electronic recording of the  
9 proceeding to the best of my ability.

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Dated this 4th day of March, 2019.

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s/ Lynette Walters

Lynette Walters, RPR, CRR, CCR  
CCR NO. 2230

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